



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-2
AGENDA DATE: Thu 01/27/2005
PAGE: 1 of 1

SUBJECT: C14-95-0193(RCA) - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 10700 RM 2222 (Bull Creek Watershed) . Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: International Bank of Commerce (Dennis Nixon). Agent: Urban Design (Laura Toups). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14-95-0193(RCA)

Z.A.P. DATE: January 18, 2004

C.C. DATE: January 27, 2004

ADDRESS: 10700 RM 2222

OWNERS: International Bank of Commerce
(Dennis Nixon)

AGENT: Urban Design
(Laura Toups)

AREA:

APPLICANT'S REQUEST:

To amend a restrictive covenant to allow for access on to River Place Blvd.

SUMMARY STAFF RECOMMENDATION:

Staff recommends amending the Restrictive Covenant.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

Approved the request to amend the restrictive covenant by consent (Vote: 7-2, J. Martinez and M. Whaley-Hawthorn- absent).

ISSUES:

In 1995, the property owner and the River Place Community Association entered into a Restrictive Covenant to prohibit access to River Place Blvd., and to require that the property owner comply with all conditions set out in an associated Traffic Impact Analysis (see exhibit A). Although the City did not sign the Covenant, there is a paragraph that requires any amendments or a termination be approved by the City Council. The parties involved have at this time agreed to amend the Restrictive Covenant to allow for access on to River Place Blvd.

Staff recommends amending Restrictive Covenant.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR, GR-CO, GO MF-2-CO	Undeveloped Multifamily
<i>North</i>	R&D	3M
<i>South</i>	NO-CO DR	Church Property Undeveloped
<i>East</i>	MF-2-CO	Multifamily
<i>West</i>	GR, GO	Office, Undeveloped

AREA STUDY: Bull Creek Study

TIA: Required

WATERSHED: West Bull Creek
CAPITOL VIEW CORRIDOR: N/A
NEIGHBORHOOD ORGANIZATIONS:

DESIRED DEVELOPMENT ZONE: No
HILL COUNTRY ROADWAY: Yes

#194 – 2222 Property Association
#426 – River Place Residential Community Association
#434 – Lake Austin Business Owners
#439 – Concerned Citizens for the P&B of FM 2222
#475 – Bull Creek Foundation
#965 – Old Spicewood Springs Road Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-95-0193	SF-2 to GR (Tr 1), SF-2 to GR(Tr 2) SF-2 to GO-CO(Tr 3) SF-2 and RR to MF-2-CO(Tr 4)	Approved GR, GO-CO and MF-2-CO. The CO for tracts 1, 2 and 3 are that no structure beyond 1,000 feet of 2222 for office or retail are to be no more than 40 feet. The CO for tract 4 is a limit of 14 units per acre (Vote: 8-1). 4/16/96	Approved PC recommendation (Vote: 6-1). 8/15/96.
C14-97-0083	DR to LR-CO	Approved LR-CO. The CO prohibits service stations (Vote: 8-1). 9/30/97.	Approved PC recommendation (Vote: 6-1). 4/19/98.
C14-99-0128	DR to NO-CO	Approved NO-CO. The CO limited trips to 2,000 per day (Vote: 7-0). 8/31/99.	Approved NO-CO. The CO limited trips to 500 per day (Vote: 6-1). 9/30/99.
C14-99-2130	DR to NO-CO	Approved NO-CO. The CO limited trips to 2,000 per day (Vote: 9-0). 9/26/00	Approved PC recommendation (Vote: 7-0). 10/26/00
C14-00-2144	SF-5 to NO-CO	Approved NO-CO. The CO limited trips to 500 per day (Vote: 8-0). 8/22/00	Approved PC recommendation (Vote: 7-0). 9/28/00.
C14-01-0121	DR to NO-CO	Denied NO-CO (Vote: 9-0). 9/25/01	Approved NO-CO. The CO limited vehicle trips to 2,000 per day (Vote: 7-0). 12/6/01
C14-02-0156	SF-5 to SF-6	Approved SF-6 (Vote: 6-0). 12/3/02	Approved PC recommendation (Vote: 7-0). 1/9/03.
C14-03-0040	I-RR to GR-CO	Approved GR-CO. The CO limits the trips to 2,000 per day (Vote: 8-0). 3/4/03	Approved PC recommendation (Vote: 6-0). 8/28/03

CITY COUNCIL DATE: 1/27/05

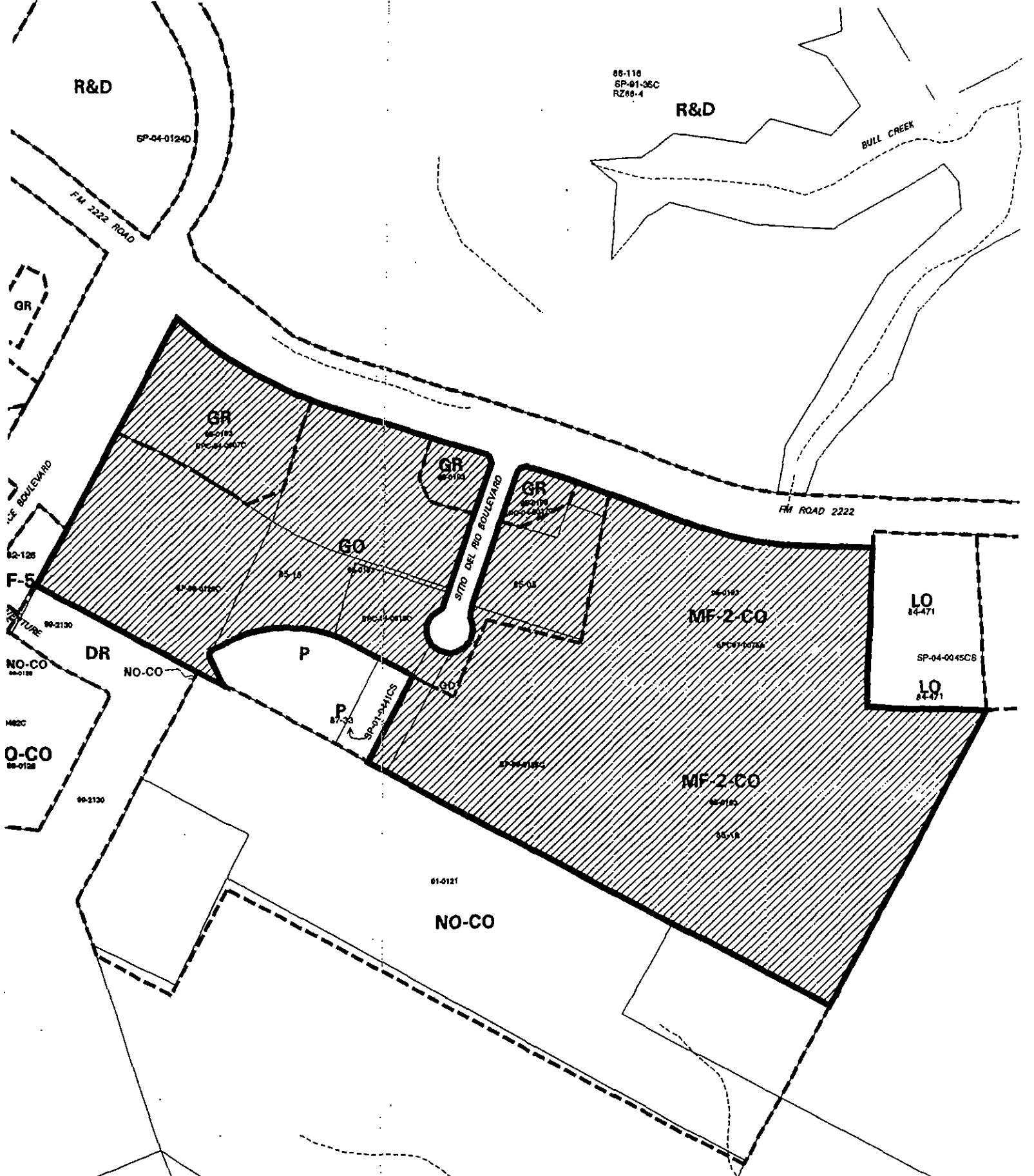
ORDINANCE READINGS: 1st 12/2/04 2nd





ACTION:
3rd

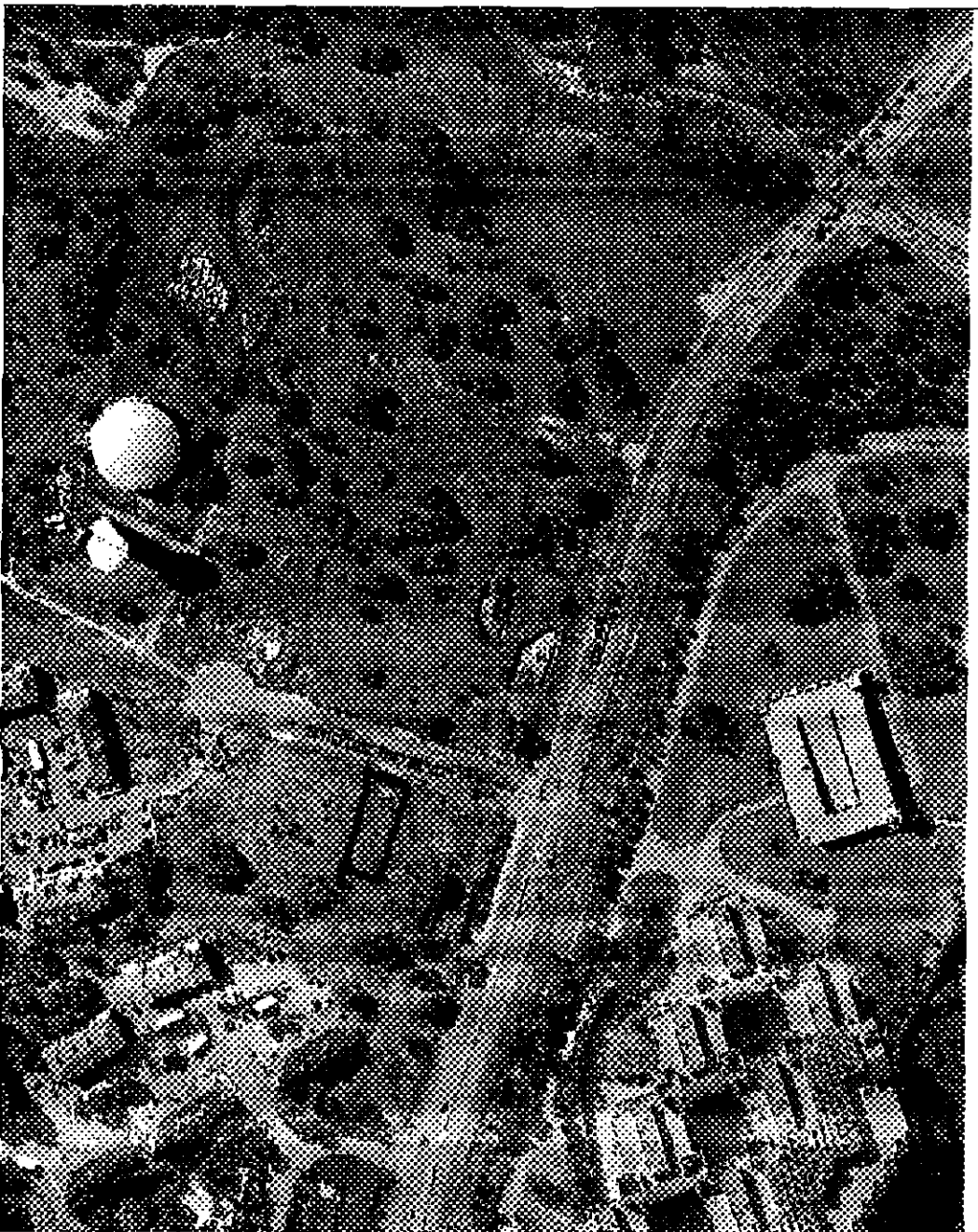
ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



 100'	SUBJECT TRACT 	RESTRICTIVE COVENANT AMENDMENT CASE #: C14-95-0193(RCA) ADDRESS: FM 2222 RD SUBJECT AREA (acres): N/A		DATE: 04-12 INTLS: SM	CITY GRID REFERENCE NUMBER D33
	PENDING CASE 				
	ZONING BOUNDARY 				
	CASE MGR: G. RHOADES				



Base
Centering



14 Jun. 1407-23.1420

STAFF RECOMMENDATION

Staff recommends the proposed change to amend the Restrictive Covenant.

BASIS FOR RECOMMENDATION

The Restrictive Covenant is based on an agreement between the property owner and the neighborhood association. Since the parties involved have come to an agreement staff will recommend the proposed change.

EXISTING CONDITIONS

Site Characteristics

The site is currently occupied with Multifamily and undeveloped land.

Transportation

A traffic impact analysis addendum is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo (T.I.A. requirements were addressed with case C14-04-0063 and the existing).

Impervious Cover

The site is located over the Northern Edward's Aquifer Recharge Zone. The site is in the Lake Austin Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Environmental

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements are necessary to serve the site and land use. The landowner will be responsible for all costs and providing.

The water and wastewater utility system must be in accordance with the City's utility design criteria and specifications. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The utility construction must be inspected by the City. The landowner must pay all associated City inspection and plan review fees.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.